UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,886	01/29/2002	Shigeru Hidesawa	1080.1102	2387

21171	7590	09/08/2005

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EXAMINER
COFFY, EMMANUEL

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/057,886	HIDESAWA, SHIGERU
	Examiner	Art Unit	
	Emmanuel Coffy	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>22 June 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-35</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-35</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Amendment

1.   This action is responsive to the amendment filed on June 22, 2005. Claims 1-35

are pending. Claims 1, 7, 14, 20, 27, 29 and 32 are emended in an attempt to overcome

the prior art rejections.

Response to Arguments

2.   Applicant submitted a replacement oath an objection to the oath as being

informal. Said submittal is hereby acknowledged.

3.   Applicant further requests withdrawal of the objection to the abstract. The

aforementioned objection is hereby withdrawn due to the new Abstract.

4.   Applicant next requests withdrawal of the objection of claim 29 because it

depends on itself. The objection is hereby withdrawn due to the amendment of claim 29

now claiming dependency on claim 28.

5.   Applicant then asserts that:

    a)   claims 1, 14 and 32 are amended to recite: "...a point value display

         section for displaying a point value sequentially changing <u>independently</u>

         <u>from one or more other client machines</u>..."

    b)   claims 7, and 20 are amended to recite: "...provide a service

         <u>independently from one or more other client machines</u> ..."

    c)   claim 27 is amended to recite: "calculating a point value <u>independently</u>

         <u>from one or more other client machines</u> ..."

In response to applicant's assertions, Friedland teaches a pre-bid screen which

displays the information concerning the pre-bid state. Friedland col. 13, lines 2-5 reads:

In response, the DLA returns information concerning the pre-bid state of the lot to the DLA client program, which displays the information in a pre-bid screen **726** to the client.

Secondly, Friedland further teaches:

a client program which displays an auction status screen **808** and the client is continuously updated by status information received from the DLA auction console via the DLA auction server program in steps **810, 812,** and **814**. See col. 13, lines 29-32.

In the first instance, Friedland discloses a value display (See Fig. 7 (726)), which

displays the pre-bid value specifically to the client in independently from one or more

other client machines.

In the second instance Friedland discloses "the client continuously updated by

status information" in essence providing a service of continuously updating the client.

Finally, Friedland teaches:

If the remote bidder using the DLA client program wishes to submit a bid, he or she clicks a bid button **818**, resulting in submission of a bid whose value is equivalent to the current asking price displayed on the client's auction status screen. Col. 13, lines 39-44.

In order to determine whether the submitted bid value is equivalent to the current

asking price, a calculation for the specific remote bidder analogous to limitation (c)

above is performed. Thus, Friedland reads on the present invention.

6.   Applicant's arguments have been fully considered but they are not persuasive.

Therefore, the Examiner maintains the same arguments presented in the previous office

action (see below) and the rejection is sustained.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sullivan et al. (US 6,615,240) in view of Miller (US 6,450,500).

Sullivan teaches the invention substantially as claimed including a method for

automated technical support in a computer network having a client machine, and at

least one server from which help is available. (See abstract)

As to claims 1, 7, 14, 20, 27 and 32 Sullivan teaches a client machine, a server

machine, a client program, a server program, a service providing method and a service

system comprising "the client" (Fig. 1, index 10) " a server (Fig. 1, index 12), "a

communications line (Fig. 1, index 14), "providing a regular service (Fig. 4, index 60), "a

tentative service utilization (Fig. 4, index 74), a regular service utilization procedure (Fig.

4). Sullivan fails to disclose a point value recitation. However, Friedland discloses a

point value based on price of an item. (See col. 2, lines 12-19.)

Sullivan and Friedland are analogous art because they both involve client server

system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of

ordinary skill in the art to combine the service system articulated by Sullivan with the

point value disclosed by Friedland because a point value system would convey the

status of a client by indicating the ranking of the client.

Claims 2, 15, 25, 29, 31, 33:

The client machine, client program, service system according to claims 1, 14, 20,

32, wherein said point value display section displays a point value sequentially ·

increasing as time passes by when said tentative service utilization section is utilizing

said tentative service.

Sullivan fails to disclose a point value recitation. However, Friedland discloses a

point value sequentially increasing as time passes by at col. 7, lines 4-20.

Sullivan and Friedland are analogous art because they both involve client server

system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of

ordinary skill in the art to combine the service system articulated by Sullivan with the

point value disclosed by Friedland because a point value system would convey the

status of a client by indicating the ranking of the client.

Claims 3, 13, 16, 26, 31, 34:

The client machine, client program, service system according to claims 1, 7, 14,

20, 32, wherein said point value display section displays a point value sequentially

decreasing as time passes by when said tentative service utilization section is utilizing

said tentative service.

Sullivan fails to disclose a point value recitation. However, Friedland discloses a

point value sequentially decreasing as time passes by at col. 2, lines 8-11; See also col.

5, lines 16-40. (As lots are sold, the number of available lots decreases sequentially)

Sullivan and Friedland are analogous art because they both involve client server

system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of

ordinary skill in the art to combine the service system articulated by Sullivan with the

point value disclosed by Friedland because a point value system would convey the

status of a client by indicating the ranking of the client.

Claims 4, 11, 12, 17, 24, 35:

The client machine, client program, service system according to claims 1, 7, 14,

32, further comprising a point value updating section for sequentially updating a point

value displayed at said point value display section when said tentative service utilization

section is utilizing said tentative service.

Sullivan fails to disclose a point value recitation. However, Friedland discloses a

point value sequentially decreasing as time passes by at col. 8, lines 28-40.

Sullivan and Friedland are analogous art because they both involve client server

system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of

ordinary skill in the art to combine the service system articulated by Sullivan with the

point value disclosed by Friedland because a point value system would convey the

status of a client by indicating the ranking of the client.

Claims 5, 18:

The client machine, client program, service system according to claims 1, 14 wherein said point value display section is adapted to receive and display a sequentially updated point value transmitted from said server machine when said tentative service utilization section is utilizing said tentative service.

Sullivan fails to disclose a point value recitation. However, Friedland discloses a point value sequentially increasing as time passes by at col. 8, lines 28-40.

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claims 6, 19:

The client machine, client program, service system according to claims 1, 14, comprising a regular service utilization section for continuing utilization of a regular service provided by said server machine after procedure steps are taken at said regular service utilization procedure section.

Sullivan fails to disclose a regular service utilization section. However, Friedland discloses such section at col. 8, lines 51-67.

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claims 8, 21:

The client machine, client program, service system according to claims 7, 20, wherein said regular service providing section is adapted to continuously provide the regular service to the client machine whose procedure was accepted by said regular service utilization procedure accepting section.

Sullivan fails to disclose a service utilization procedure section. However, Friedland discloses such section at col. 9, lines 1-21.

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claims 9, 22:

The client machine, client program, service system according to claims 7, 20 wherein said regular service providing section is adapted to continuously provide the regular service to the client machine whose procedure was accepted by said regular service utilization procedure accepting section and give a point value for providing an

additive service corresponding to an utilization situation of the regular service and also

give as an initial value the point value that corresponds to the tentative service provided

by said tentative service providing section for a time lapse up to a moment when the

procedure made by the client machine was accepted by said regular service utilization

procedure accepting section.

Sullivan fails to disclose the recitations of above claims. However, Friedland

discloses such recitations at col. 8, lines 10-50.

Sullivan and Friedland are analogous art because they both involve client server

system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of

ordinary skill in the art to combine the service system articulated by Sullivan with the

point value disclosed by Friedland because a point value system would convey the

status of a client by indicating the ranking of the client.

Claims 10, 23:

The client machine, client program, service system according to claims 7, 20

wherein: said client machine is adapted to sequentially update the point value as time

passes by when utilizing the tentative service provided by said tentative service

providing section; said regular service utilization procedure accepting section is adapted

to accept a procedure for utilizing the regular service that is made by the client machine

provided with the tentative service by said tentative service providing section and also

accept the point value updated by said client machine at a moment when said

procedure was accepted; and said regular service providing section is adapted to

provide the service corresponding to the point value accepted by said regular service utilization procedure accepting section to the client machine whose procedure was accepted by said regular service utilization procedure accepting section.

· Sullivan fails to disclose the recitations of above claims. However, Friedland discloses such recitations at col. 8, lines 10-50.

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

Claim 28:

The service providing method according to claim 27, wherein information about said tentative service utilization time lapse is displayed at said user machine.

Sullivan fails to disclose the recitation of above claim. However, Friedland discloses such recitation at col. 14, lines 18-22. ("last chance")

Sullivan and Friedland are analogous art because they both involve client server system or the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the service system articulated by Sullivan with the point value disclosed by Friedland because a point value system would convey the status of a client by indicating the ranking of the client.

9.   **THIS ACTION IS MADE FINAL.**

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-

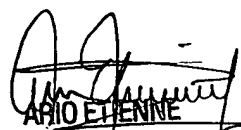3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-3997. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy
Patent Examiner, Art Unit 2157

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EC .
August 22, 2005

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